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## FACSIMILE TRANSMITTAL SHEET

TO:	Michael C. Maskulinski	FROM:	John B. Kelly
COMPANY:	USPTO	DATE:	April 20, 2007
FAX NUMBER:	571-273-8300	TOTAL NO. OF PAGES INCLUDING COVER:	Two
PHONE NUMBER:	571-272-3649	SENDER'S REFERENCE NUMBER:	AUS920030044US1
RE:	Telephone Interview	YOUR REFERENCE NUMBER:	10/645,041

☐ URGENT ☒ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

## NOTES/COMMENTS:

Michael,

I would like to request a telephone interview with you to discuss the Office Action for Application Serial No. 10/645,041 dated January 29, 2007. A response to the Office Action for this application is due April 29, 2007. This fax includes a proposed agenda for a telephone interview. Please feel free to contact me at (512) 517-5510 with a time that is convenient for you.

Thank you,



John B. Kelly

Dillon &amp; Yudell LLP

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Application No. 10/645,041  
Proposed Telephone Interview Agenda

All issues for the interview relate to the rejection of Claims 1, 4, 8 and 12. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by *Bergsten*. *Bergsten* does not disclose, teach or suggest “interrogating a logical partition on a sparse logical volume to determine if said logical partition contains valid data”. A sparse logical volume is described at p. 6, lines 17-19 of the present specification as a logical volume in which “only the portion of a logical volume in-use at any given time is actually allocated on a physical volume”. The disclosure cited in *Bergsten* teaches a hardware check of a physical disk to determine if the physical disk is present and operational, not to see if a logical partition of a sparse logical volume contains valid data.

Claims 4, 8 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by *Olson et al.* The disclosure cited in *Olson* does not disclose, teach or suggest “interrogating a partition within said sparse logical volume”. As cited by Examiner, *Olson* teaches a RAID system that keeps track of which physical drives correspond to a particular virtual RAID device (col. 7, lines 14-21). *Olson* contains no teaching of a sparse logical volume. Furthermore, *Olson* does not teach an interrogation step after replacing a failed physical drive. Nor does *Olson* teach, in response to an interrogation step, “copying said partition to said replacement physical volume” only if the partition is allocated.